

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ULKU ROWE,

Plaintiff,

No. 19-cv-08655 (LGS)

v.

GOOGLE, LLC

Defendant.

JOINT PROPOSED VOIR DIRE QUESTIONS

The parties request that the following juror questionnaire be completed. The American Bar Association's Principles for Juries and Jury Trials supports the use of juror questionnaires. See American Bar Association, *Principles for Juries and Jury Trials*, Principle 11.A. (rev. 2016), available at https://www.americanbar.org/content/dam/aba/administrative/american_jury/2016_jury_principles.pdf ("Before voir dire begins, the court and parties, through the use of appropriate questionnaires, should be provided with data pertinent to the eligibility of jurors and to matters ordinarily raised in voir dire . . .") Research supports this approach.

According to the Seventh Circuit American Jury Project, "A strong majority of jurors, when asked whether they would prefer to answer some jury selection questions by filling out a written questionnaire, or whether they would instead prefer to answer all of the questions out loud, responded that the use of a questionnaire would be preferable. For jurors preferring the use of a questionnaire, the most commonly cited reasons were "privacy" [], "saves time and speeds up the process [], and "don't feel comfortable speaking in public." Seventh Circuit Bar Association American Jury Project, *Final Report*, 38 (2008).

Oral voir dire would be limited to follow-up questions related to the questionnaire, in addition to any questions the Court wishes to pose.

JUROR QUESTIONNAIRE

Full name: _____ Date of Birth: _____

City or County of Residence _____ Zip Code: _____
(Borough of New York City, if applicable)

Juror Number (if applicable) _____

TO THE PROSPECTIVE JUROR:

The information which you give in your answers to this questionnaire will be used by the Court and the parties to select a qualified jury. The purpose of this process is not to intrude into your privacy, but so that the Court and the parties may ensure that the jurors selected to decide this case will be fair and impartial. Please answer each question as completely and accurately as you can. Your complete written answers will save a great deal of time for the Court, the parties and you. There are no right or wrong answers to the questions. In order to ensure that your answers are not influenced by the opinions of others, you should fill out the questionnaire by yourself without consulting or talking with any other person.

You must sign your questionnaire, and your answers will have the effect of a statement given under oath to the Court. What is needed is your very best, honest effort to answer the questions.

If you cannot answer a question because you do not understand it, write "Do not understand" in the space after the question. If you need extra space to answer any question, please use the extra blank sheets of paper included at the end of the questionnaire. Be sure to indicate on the blank page the number of the question you are answering. If there is a question the answer to which you would prefer to give the Court in private, please indicate that on the questionnaire in the space following the question by writing, "I wish to discuss answer with Judge."

Please write or print legibly using a black pen. If your answers are illegible, you may be required to re-copy your answers. Do not write on the back of any page.

After you leave today, you may not discuss any of the questions or your answers with anyone else, including your family. If anyone approaches you and attempts to learn about any aspect of the questionnaire, you may not answer their inquiries. If they persist, you should report this to the Court.

The sole purpose of this questionnaire is to encourage your full expression and honesty, so that both parties will have a meaningful opportunity to select a fair and impartial jury to try the issues in this case. Thank you for your full cooperation. It is of vital importance to the Court.

Included below is a brief outline of the parties' positions in this matter:

The plaintiff, Ulku Rowe, asserts three separate claims. She asserts that the defendant, Google, violated New York's equal pay law by failing to pay her the same as men performing substantially similar work to her. She also asserts that Google discriminated against her on account of her gender by under-leveling her at hire, paying her less than comparable men, refusing to consider her for the role of Financial Services Vertical Lead, and generally treating her less well because of her gender. Finally, plaintiff asserts that Google retaliated against her for raising concerns about discrimination and unequal pay practices by refusing to consider her for two positions, Financial Services Vertical Lead in 2018 and Vice President – Financial Services, Sales in 2020, and/or otherwise engaged in retaliatory conduct against her.

Google denies these claims, and asserts that at all times, it treated Ms. Rowe in accordance with the law. Specifically, Google asserts that under the New York City Human Rights Law, it treated Ms. Rowe no differently than similarly situated male employees, and that all of its actions towards Ms. Rowe were motivated only by legitimate business reasons. Google asserts that under New York Labor Law § 194 (referred to above as New York's equal pay law), Ms. Rowe was paid what she was lawfully owed, and any difference in compensation between her and male employees performing equal work was based on lawful factors other than gender.

QUESTIONS:

Please fill in the information requested by each question. Where applicable, please circle the correct answer choice (for example, "YES/NO")

A. FAMILIARITY WITH THE PARTIES, ATTORNEYS, AND WITNESSES

1. The Plaintiff in this case is Ulku Rowe. Are any of you related to Ms. Rowe or know her or members of her family? (YES / NO)

If yes, please explain:

2. The Defendant in this case is Google. Do you currently or have you in the past worked for Google, or have you ever applied for a job with Google? (YES / NO)

If yes, please explain:

3. Do you have friends or family that currently or previously worked for Google, or have ever applied for a job with Google? (YES / NO)

If yes, please explain:

4. The Plaintiff is represented by Cara Greene, Gregory Chiarello, and Shira Gelfand of the firm Outten & Golden LLP. Do you know personally Cara Greene, Gregory Chiarello, or Shira Gelfand? Have you been represented by or otherwise had any dealings with Cara Greene, Gregory Chiarello, or Shira Gelfand or members of their firm? (YES / NO)

If yes, please explain:

5. The Defendant is represented by Kenneth Gage, Sara Tomezsko, and Kaveh Dabashi of the law firm Paul Hastings LLP. Do you know personally Kenneth Gage, Sara Tomezsko, or Kaveh Dabashi? Have you been represented by or otherwise had any dealings with Kenneth Gage, Sara Tomezsko, Kaveh Dabashi or members of their firm? (YES / NO)

If yes, please explain:

6. During the trial of this case, the following witnesses may be called to testify on behalf of the parties. The parties are not required to call all of these witnesses but might decide to call some of them. Are you related to the following witnesses or do any of you know them or members of their family? Witnesses:

[LIST TO BE SUBMITTED BEFORE TRIAL]

If yes, please explain: (YES / NO)

7. Do you know any other person in this courtroom, including on the jury panel?

If yes, please explain: (YES / NO)

8. Do you have any personal knowledge regarding this lawsuit, or any other lawsuit brought against either Google or Ms. Rowe? Have you heard about this lawsuit prior to today?

If yes, please explain: (YES / NO)

Have you had any business dealings of any kind with Google, beyond simply using

Google's search engine or any Google products like gMail? (YES / NO)

If yes, please explain:

9. Have you had any dealings with Google as a customer, stockholder, or in any other way, that has caused you to have particularly positive or negative feelings about the company? (YES / NO)

If yes, please explain:

10. In general, have you formed any opinions – positive or negative – about Silicon Valley (or “Big Tech”) companies? (YES / NO)

If yes, please explain:

B. GENERAL BACKGROUND INFORMATION

11. Please provide your occupation and employer, and educational background including the highest level of education achieved. If retired, what was your occupation before retiring?

Occupation: _____

Employer: _____

Educational Background: _____

12. How long have you worked at your current employer? _____

13. If you are married or living with a non-marital partner, what is your spouse's or partner's occupation and employer? If your spouse or partner is not working outside the home, what was their most recent occupation? _____

14. If you have children, what are their genders, ages and level of education, and if any are working, what are their occupations and employers? _____

Child 1: Gender: _____ Age: _____ Level of Education: _____

Occupation: _____ Employer: _____

Child 2: Gender: _____ Age: _____ Level of Education: _____

Occupation: _____ Employer: _____

Child 3: Gender: _____ Age: _____ Level of Education: _____

Occupation: _____ Employer: _____

Child 4: Gender: _____ Age: _____ Level of Education: _____

Occupation: _____ Employer: _____

15. If anyone is living in your home who you have not mentioned, please tell us who they are and their present or most recent occupation and employer, if any. _____

Relation: _____ Occupation: _____ Employer: _____

Relation: _____ Occupation: _____ Employer: _____

Relation: _____ Occupation: _____ Employer: _____

16. What sources do you look to for current events and/or news? _____

17. Are you a member of any political organizations, clubs, or associations in which you are actively involved? _____

18. Have you ever belonged to an organization, club, or association involved in employment issues, including advocating employer or employee interests? _____

19. Have you or anyone close to you (including family members) received education or training in law or worked in the field of law? _____

20. Have you ever served on a jury before?

- a. When and where? _____
- b. What kind of case was it? _____
- c. Did you actually hear a case and deliberate on a verdict? _____
- d. Were you ever the foreperson? _____
- e. How did you feel about your experience as a juror in general? Did anything happen during your experience in that case that might affect you in deciding this case? _____

21. Have you or anyone close to you ever been a party to a lawsuit, either as a plaintiff or a defendant? _____

22. Have you ever testified as a witness in any civil or criminal lawsuit or other legal proceeding? _____

C. FITNESS AND ABILITY TO SERVE ON JURY

23. This trial is expected to last approximately XX days. Is there any reason this schedule might cause you to suffer a severe hardship affecting your ability to sit as a fair and impartial juror in this case? (YES / NO)

If yes, please explain:

24. Do you have a physical ailment or disability that might affect your ability to serve on a jury in this case? Do you have difficulty with your sight or hearing that might affect your ability to serve on a jury in this case? (YES / NO)

If yes, please explain:

25. Do you have religious, moral, or ethical beliefs that might affect your ability to serve on a jury in this case? (YES / NO)

If yes, please explain:

26. Do you have issues in your personal or professional life that might affect your ability to serve on a jury in this case? (YES / NO)

If yes, please explain:

27. Do you have difficulty reading or understanding the English language?

If yes, please explain: (YES / NO)

28. At the end of the case the judge will give you instructions on the law that will govern your deliberations. As a juror, you are required to follow those instructions, even if you do not agree with them. Are you unable or unwilling to follow the law given to you by the court?

If yes, please explain: (YES / NO)

29. Can you treat Google, a corporation, and Ms. Rowe as equals under the law, giving both of them equal treatment during the trial? (YES / NO)

If no, please explain:

30. Will you wait until you have heard and seen all of the evidence before you make any decision, or even attempt any decision, on this case? (YES / NO)

If no, please explain:

31. Will you be able to decide this case based solely on the facts and not on sympathies, biases, or prejudices towards either party? (YES / NO)

If no, please explain:

32. Would you have a tendency to award Ms. Rowe damages just because you think Google can afford to pay them? (YES / NO)

If yes, please explain:

33. If the Court instructs you that either Ms. Rowe or Google was legally entitled to take a certain action against the other, would you have any problem following that instruction, even if you thought the action was unfair or unwise? (YES / NO)

If yes, please explain:

34. If the Court instructs you to ignore something that a lawyer or witness has said, would you be capable of following that instruction? (YES / NO)

If no, please explain:

35. Is there anything else that has not already raised that would prevent you from sitting as a fair and impartial juror in this matter? (YES / NO)

If yes, please explain:

D. ADDITIONAL QUESTIONS SPECIFIC TO LAWSUIT

36. Do you now, or have you ever, owned your own business or been a manager within a business? (YES / NO)

37. Are you now or have you ever been a supervisor of employees? (YES / NO)

38. Do you now, or have you ever, had responsibility for hiring employees? Has any member of your family or anyone in your household had such responsibility? (YES / NO)

39. Do you now, or have you ever, had responsibility for determining the salary or wages of other employees? Has any member of your family or anyone in your household had that responsibility? (YES / NO)

40. Have you or anyone close to you (including family members) been employed in a human resources position or other position that involved the administration or application of equal pay laws, anti-discrimination laws, or anti-retaliation laws? (YES / NO)

41. Do you now, or have you ever, had responsibility for promoting employees? Has anyone in your household? (YES / NO)

42. Do you or anyone in your household work for a technology company?
(YES / NO)

43. Do you or anyone in your household have any training in the area of computer engineering? (YES / NO)

44. Have you, any member of your family, or any of your friends ever been denied a position or promotion, demoted, transferred, discharged, or laid off from any job for any reason?
(YES / NO)

If so, please describe the circumstances.

45. Have you ever felt like a manager, supervisor or coworker or even a potential employer discriminated against you? (YES / NO)

If yes, please describe the circumstances.

46. Have you ever had an experience with an employer that was so bad it made you want to leave the company? (YES / NO)

If yes, please describe.

47. Has a coworker or other employee ever accused you or a member of your family or household of discrimination or retaliation? (YES / NO)

If yes, what was the nature of the complaint? Do you think the complaint was resolved fairly?

48. Have you, or has any member of your family or household, ever complained of discrimination, either internally with your/their employer, or externally with a government agency or a court? (YES / NO)

If yes, what was the nature of the complaint? Do you think the complaint was resolved fairly?

49. Do you agree or disagree with the following statements:

- a) Big tech companies are important to our economy.
(AGREE / DISAGREE)
- b) “In our society today, nobody accepts responsibility for their own actions, but instead everybody blames other people.” (AGREE / DISAGREE)
- c) I like to root for the underdog. (AGREE / DISAGREE)
- d) People are too quick to sue. (AGREE / DISAGREE)
- e) Most lawsuits are frivolous. (AGREE / DISAGREE)
- f) If someone brought a lawsuit they must have a good reason to do so.
(AGREE / DISAGREE)
- g) Executives are paid too much. (AGREE / DISAGREE)
- h) In general, men make more money than women. (AGREE / DISAGREE)
- i) Everyone doing the same job should make the same amount of money.
(AGREE / DISAGREE)
- j) Everyone with the same title should make the same amount of money.
(AGREE / DISAGREE)
- k) Most people are too quick to complain. (AGREE / DISAGREE)
- l) Human Resources is there to protect the employee.
(AGREE / DISAGREE)
- m) Human Resources is there to protect the company.
(AGREE / DISAGREE)
- n) Women too often play the gender card. (AGREE / DISAGREE)
- o) Someone who has more years of experience is obviously more qualified for a job than someone with less years of experience.
(AGREE / DISAGREE)
- p) To be competitive, companies need to be able to pay some employees more than others for the same job. (AGREE / DISAGREE)
- q) Society is too Politically Correct. (AGREE / DISAGREE)

- r) Someone can be a good person and still have gender bias.
(AGREE / DISAGREE)
- s) The #MeToo Movement was overblown. (AGREE / DISAGREE)
- t) People in tech are overpaid. (AGREE / DISAGREE)
- u) Women have to do more to prove themselves. (AGREE / DISAGREE)
- v) A company should be able to make exceptions to its own hiring and promotion policies. (AGREE / DISAGREE)
- w) There needs to be more women in technology. (AGREE / DISAGREE)
- x) The reason there aren't more women in senior leadership positions is because there is a lack of qualified women. (AGREE / DISAGREE)
- y) People who make a lot of money shouldn't complain about their job.
(AGREE / DISAGREE)

50. In your opinion:

- a) What makes a good corporation? _____

- b) What makes a bad corporation? _____

- c) What makes a good employee? _____

- d) What makes a bad employee? _____
